

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:24-cv-00181

**Stacey Hostetter,**  
*Plaintiff,*

v.

**Martin O'Malley, Commissioner of the Social Security  
Administration, et al.,**  
*Defendants.*

**ORDER**

Plaintiff Stacey Hostetter filed this lawsuit pursuant to § 405(g) of the Social Security Act for judicial review of the Commissioner's final decision denying her claim for disability benefits. Doc. 1; *see* 42 U.S.C. § 405(g). This case was referred to a magistrate judge. On February 26, 2025, the magistrate judge issued a report recommending that the Commissioner's final decision should be reversed and remanded because the administrative law judge failed to rely on a medical source opinion of record in determining a portion of plaintiff's residual functional capacity. Doc. 12 at 14–16. The magistrate judge also concluded that this error was not harmless. *Id.* at 17. Neither party filed objections to the report, and the timeframe for doing so has passed.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation (Doc. 12). The Commissioner's final decision is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings in accordance with this order. Any pending motions are denied as moot.

*So ordered by the court on May 7, 2025.*

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER  
United States District Judge